

REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated February 27, 2007 (“Final Office Action”). At the time of the Final Office Action, Claims 1, 2, 4-17, 19-32, and 34-47 were pending in the Application. The Examiner rejected Claims 1, 2, 4-17, 19-32, and 34-47. Applicants have added new independent Claim 48 in this Response to Office Action. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Applicants’ 37 C.F.R. § 1.131 Declaration

Applicants filed a declaration according to 37 C.F.R. § 1.131 that sets forth facts that clearly establish an actual reduction to practice of at least the independent claims prior to September 13, 2000 (the “Effective Date” of U.S. Patent No. 6,963,573 issued to Cain et al. (“Cain”)) concurrently with the Response to Office Action submitted on November 16, 2006. The declaration included three exhibits that showed Applicants’ possession of either the whole invention claimed or something falling within the claim, as required by M.P.E.P. § 715.02. The submission and modification dates of the exhibits were redacted as is allowed by M.P.E.P. § 715.07. For the Examiner’s convenience, Applicants attach a copy of the declaration and accompanying exhibits to this Response to Final Office Action.

Exhibit A includes a first disclosure document disclosing certain aspects of the subject matter of the Application, which existed prior to the Effective Date. Specifically, Exhibit A includes an “Engineering Information Notice” describing “the network architecture required to provide low to medium bandwidth multicast video service over xDSL.” (*Exhibit A*, page 1). The following excerpts provide exemplary demonstration of Applicants’ possession of either the whole invention claimed or something falling within the claim: pages 18-36; page 39; page 50.

Exhibit B includes a second disclosure document disclosing certain aspects of the subject matter of the Application, which existed prior to the Effective Date of the *Cain*

reference. Specifically, Exhibit B includes an Invention Disclosure Form submitted by the inventors of this Application for consideration by Cisco employees in determining whether to proceed with the filing of a patent Application. The following excerpts provide exemplary demonstration of Applicants' possession of either the whole invention claimed or something falling within the claim: page 4 ("Summary"); page 5 ("Advantages"); page 5 ("Cisco Use").

Exhibit C includes an agenda for an executive briefing that included the Program's demonstration, which occurred prior to the Effective Date of the *Cain* reference. Applicants direct the Examiner to page 2 of the document. It is shown that at 11:30 AM to 12:30 PM a demonstration was given of "Multicast Authentication."

In the Final Office Action and the Advisory Action, the Examiner states that he "has found no support in the enclosed document for the subject matter of the application." (Final Office Action, page 2). The Examiner requests Applicants to "point out specifically where in the enclosed document that certain aspects of the subject matter of the application is described." (Final Office Action, page 2). In response to the Examiner's request, Applicants provide the following element-by-element analysis of Claim 1 as it relates to the disclosure of the Exhibits of the 1.131 declaration submitted on November 16, 2006:

A method for authenticated access to multicast traffic (e.g., *Exhibit A*, pages 18-36, Section 8 entitled "Access Architecture"), comprising:

receiving an Internet group management protocol request (e.g., *Exhibit A*, Page 22, Section 8.1.2 entitled "PC issues a IGMP Join Request"; *Exhibit B*, Page 3, lines 6-10; *Exhibit B*, page 3, lines 26-29) at an access network router (e.g., *Exhibit A*, Figure 5 (Cisco 6400); *Exhibit A*, Page 20, paragraph 2; *Exhibit A*, Page 21, paragraph 1; *Exhibit B*, page 3, lines 26-29) operable to authenticate a plurality of requests received from a plurality of customer premise systems (e.g., *Exhibit A*, PCs of Figure 5; Page 19, paragraph 2 through Page 20, paragraph 2; Pages 37, Section 8.7 entitled "Scalability/sizing: (for RBE, PPPoA, PPPoE cases)) the received request identifying a user requesting to join an IP multicast channel (e.g., *Exhibit A*, Page 22, Section 8.1.2 entitled "PC issues a IGMP Join Request"), the IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis (e.g., *Exhibit A*, Page 18, paragraphs 8-9; Page 39,

Section 9 entitled “SSG based Authentication for IP Multicast group”; *Exhibit B*, Page 5, lines 3-11);

authenticating access privileges of the user to the multicast channel (e.g., *Exhibit A*, Pages 22-23, Section 8.1.1 entitled “User/Service Authentication”; *Exhibit B*, Page 3, line 25 through Page 4, line 2; *Exhibit B*, Page 4, lines 26-35); and

disallowing the request in response to at least an unsuccessful authentication (e.g., *Exhibit A*, Pages 22-23, Section 8.1.1 entitled “User/Service Authentication”).

The above cited excerpts provide exemplary demonstration of Applicants’ possession of either the whole invention claimed or something falling within the claim. Applicants note, however, the cited excerpts are but one example of the demonstration of the invention of Applicants’ Claim 1. Additionally, although Applicants have only provided an element-by-element analysis for independent Claim 1, it is recognized that, for reasons analogous to those discussed above, the provided exhibits demonstrate Applicants’ possession of either the whole invention or something falling within independent Claims 16, 31, 46, 47, and 48.

Section 112 Rejection

The Examiner rejects Claims 1-2, 4-17, 19-32, and 34-47 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the claims contain subject matter not described in the specification. (*Final Office Action*, Page 3.) The Examiner acknowledges that he has found support for a plurality of requests in the sections cited in the prior Response to Office Action submitted on November 16, 2006. (*Final Office Action*, Page 2). The Examiner further states, however, that the Examiner has not found support for a “plurality of customer premises” in any of the cited sections.

Applicants respectfully submit that the Specification provides adequate support for “a plurality of customer premises” and for the recited step of “receiving an Internet group management protocol request at an access network router operable to authenticate a plurality of requests received from a plurality of customer premise systems,” as recited in Claim 1. For example, Applicants’ Specification states:

The end user systems 20 **each** include customer premise equipment (CPE) 70 and one or more host 72, which may be personal computers or other suitable computing devices.

(*Specification*, Page 12, lines 19-22, emphasis added). Although only one end user system 20 is shown in Figure 1, the above cited excerpt from the Specification explicitly identifies that multiple end user systems are contemplated as being coupled to access network 18. As further support, Applicants direct the Examiner to Page 11, line 30 through Page 12, 1 of Applicants' Specification. That portion of the Specification states:

The access network 18 includes an access router 60 coupled to the core network and a plurality of digital subscriber line access multiplexers (DSLAM) 62 coupled between the access router 60 and the **end user systems** 20.

(*Specification*, Page 11, line 30 through Page 12, line 1, emphasis added).

Furthermore, the Specification discusses that multiple end users and/or request messages may be authenticated to a multicast channel:

The multicast authentication engine 124 intercepts multicast join request messages and authenticates whether the user is permitted to access the identified multicast channel using the service profile 120, login table 122 and/or the RADIUS server and database 100 and 102 . . .

Multicast routing table 110 identifies users joined to each multicast channel. Accordingly, after successful authentication and processing of a join request, the user is added to the multicast routing table 110. Traffic received for a multicast channel is forwarded to each identified user . . .

(*Specification*, Page 14, lines 25-29; Page 15, lines 6-13).

For at least these reasons, Applicants submit that the claims as written comply with 35 U.S.C. § 112, first paragraph. Applicants respectfully request reconsideration of Claims 1-2, 4-17, 19-32, and 34-47.

Section 102 Rejection

The Examiner rejects Claims 1, 2, 4, 5, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 43, 44, and 46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,963,573 issued to Cain et al. (“*Cain*”). Applicants attach a declaration according to 37 C.F.R. § 1.131 that sets forth facts that clearly establish an actual reduction to practice of at least the independent claims prior to the effective date of *Cain*. Because *Cain* is not available as a reference, Applicants respectfully request reconsideration and allowance of the pending claims.

Section 103 Rejections

The Examiner rejects Claims 6, 7, 21, 22, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,219,790 B1 issued to Lloyd et al. (“*Lloyd*”). The Examiner rejects Claims 8, 23, and 38 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,466,571 B1 issued to Dynarski et al. (“*Dynarski*”). The Examiner rejects Claims 9, 24, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,718,387 B1 issued to Gupta et al. (“*Gupta*”). The Examiner rejects Claims 10-12, 25-27, and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,026,441 issued to Ronen (“*Ronen*”). The Examiner rejects Claims 15, 30, and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 5,671,225 issued to Hooper et al. (“*Hooper*”). The Examiner rejects Claim 47 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* in view of *Ronen*.

Applicants may overcome a 35 U.S.C. § 103 rejection “by showing completion of the invention . . . prior to the effective date of any of the references.” M.P.E.P. § 715.02. The Examiner relies on *Cain* in combination with various combinations of five other references as the basis to reject Applicants’ claims under 35 U.S.C. § 103(a). As discussed above,

Applicants attach a declaration according to 37 C.F.R. § 1.131 that sets forth facts that clearly establish an actual reduction to practice of at least the independent claims prior to the effective date of *Cain*. Because *Cain* is not available as a reference, Applicants respectfully request reconsideration and allowance of the pending claims.

New Claim 48 is Allowable

New Claim 48 has been added and is fully supported by the original specification. No new matter has been added.

For reasons analogous to those discussed above with respect to Claim 1, Applicants respectfully submit that the declaration submitted in accordance with 37 C.F.R. § 1.131 sets forth facts that clearly establish an actual reduction to practice of new independent Claim 48 prior to the effective date of *Cain*. Because *Cain* is not available as a reference, Applicants respectfully request reconsideration and allowance of Claim 48.

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CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, and for other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 953-6809.

The Commissioner is hereby authorized to charge the \$200.00 additional claim fee and to charge any discrepancy or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Jenni R. Moen
Reg. No. 52,038

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Correspondence Address:

at Customer No. **05073**